

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-9 and 19-24 are pending in this case.

Claims 1-9 and 19-24 were rejected under 35 U.S.C. §102(e) as anticipated by Suzuki et al. (U.S. Patent No. 6,509,995, herein "Suzuki").

Applicant respectfully submits that the rejection based on Suzuki has been overcome by the enclosed declaration under 37 C.F.R. §1.132. In this declaration Hiromichi Atsuumi declares that he is sole inventor of the present invention, and co-inventor of the invention disclosed in United States Patent No. 6,509,995. The inventor further declares that he conceived the subject matter disclosed in United States Patent No. 6,509,995 that is common to United States Patent Application No. 10/047,092. Thus, applicant respectfully submits that the rejection of Claims 1-9 and 19-24 under 35 U.S.C. §102(e) as anticipated by Suzuki has been overcome. (M.P.E.P. §§ 716.10 and 2136.05)

Applicant also believes that neither United States Patent No. 6,509,995, nor Japanese Application Nos. 11-247540 and 2000-119609, qualify as prior art references under 35 U.S.C. §102(b). United States Patent No. 6,509,995 issued January 21, 2003, after the filing date of the present invention, January 17, 2002. Japanese Patent Application No. 11-247540 was published March 23, 2001, less than one year before the filing date of the present invention, January 17, 2002. Japanese Patent Application No. 2000-119609 was published October 31, 2001, less than one year before the filing date of the present invention, January 17, 2002.

Accordingly, applicant respectfully submits that the rejection of Claims 1-9 and 19-24 has been overcome, as applicant believes that United States Patent No. 6,509,995 does not qualify as prior art with respect to the present application.

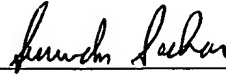
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Accordingly, the pending claims are believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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